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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,150	06/21/2001	Llavanya X. Fernando	A-70049/MAK/LM	7754
30636	7590	04/14/2005	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			CHEN, SHIN HON	
			ART UNIT	PAPER NUMBER

2131

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/887,150

Applicant(s)

FERNANDO ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-6 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 2, 4, and 6 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bilger et al. U.S. Pat. No. 6317835 (hereinafter Bilger).

4. As per claim 1, Bilger discloses a data-entry apparatus comprising: a device for entering data (Bilger: column 1 lines 45-62); a display for displaying information confirming the security of the data-entry apparatus (Bilger: column 2 lines 11-56; column 5 lines 1-6); and an encryption circuit (Bilger: column 4 lines 8-38), communicatively coupled to the data-entry device and the display (Bilger: column 4 lines 8-38).

5. As per claim 2, Bilger discloses the data-entry apparatus of claim 1. Bilger further discloses wherein the device for entering data comprises a touch pad (Bilger: column 1 lines 45-62).

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6. As per claim 4, Bilger discloses the apparatus of claim 1. Bilger further discloses the apparatus comprising a second display, and wherein the first and second displays are under the control of respective first and second controllers that in turn are communicatively coupled to and under the control of the encryption circuit (Bilger: column 1 lines 45-62: the apparatus provides encrypted data and non-encrypted data based on user's decision and the display will change accordingly).

7. As per claim 6, Bilger discloses a method for accepting data on a data-entry apparatus, the method comprising: refraining from displaying information asserting a data-entry device's ability to securely receive data (Bilger: column 1 lines 45-62; column 2 lines 11-39); then preparing to encrypt data received on the data-entry device (Bilger: column 5 lines 7-37); then displaying information asserting the data-entry device's ability to securely receive data (Bilger: column 5 lines 7-67).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bilger in view of White U.S. Pat. No. 6644547 (hereinafter White).

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10. As per claim 3, Bilger discloses the apparatus of claim 1. Bilger does not explicitly disclose the apparatus comprising a second display, and wherein the first and second displays are physically separate. However, White discloses the keypad display is separated from the main display (White: column 12 lines 17-48). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to use two displays in order to enter private information in one specific screen. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of White within the system of Bilger because it provides a protected area for user to enter sensitive information so that fraudulent activity can be avoided.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bilger in view of Chasko et al. U.S. Pat. No. 6715078 (hereinafter Chasko).

12. As per claim 5, Bilger discloses the apparatus of claim 1. Bilger does not explicitly disclose wherein the displayed information comprises an icon. However, Chasko discloses that limitation (Chasko: column 2 line 48 – column 3 line 4). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Chasko within the system of Bilger because displaying icon for user to enter is well known in the art and it is inherent for touch screen devices to provide icons so that users can select options.

***Response to Arguments***

13. Applicant's arguments filed on 1/13/05 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues that the Bilger reference does not disclose a display for displaying information confirming the security of the data-entry apparatus. However, Bilger clearly discloses the PIN entry device allows Clear Mode and Encrypted Mode which allows the user to confirm the security of the data-entry apparatus (Bilger: column 1 lines 45-62; column 5 lines 1-6). Therefore, applicant's argument is respectfully traversed.

***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
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